

AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 520**

**Introduced by Senator Steinberg**  
(Principal coauthor: Assembly Member Garcia)

February 21, 2013

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An act to amend Sections 78910.10 and 78910.30 of, *and to add Section 66409.3 to*, the Education Code, relating to student instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 520, as amended, Steinberg. ~~California Virtual Campus: leadership stakeholder meetings: representatives. Student instruction: California Online Student Access Platform.~~

~~Existing~~

*(1) The Donahoe Higher Education Act authorizes the activities of the 4 segments of the postsecondary education system in the state. These segments include the 3 public postsecondary segments: the University of California, administered by the Regents of the University of California, the California State University, administered by the Trustees of the California State University, and the California Community Colleges, administered by the Board of Governors of the California Community Colleges. Private and independent postsecondary educational institutions constitute the other segment.*

*Provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the regents act, by resolution, to make them applicable.*

*Existing provisions of the Donahoe Higher Education Act establish the 9-member California Open Education Resources Council under the administration of the Intersegmental Committee of the Academic Senates of the University of California, the California State University, and the*

*California Community Colleges, or a successor group. Existing law requires the California Open Education Resources Council to develop a list of 50 lower division courses in the public postsecondary segments for which high-quality, affordable, digital open source textbooks and related materials are to be developed or acquired, as specified. Existing law also requires the council to review and approve developed open source materials and to promote strategies for production, access, and use of open source textbooks.*

*This bill would establish the California Online Student Access Platform under the administration of the California Open Education Resources Council. The bill would require the platform, among other things, to provide an efficient statewide mechanism for online course providers to offer transferable courses for credit and to create a pool of these online courses. The bill would require the council, among other things, to develop a list of the 50 most impacted lower division courses, as defined, at the University of California, the California State University, and the California Community Colleges that are deemed necessary for program completion or fulfilling transfer requirements, or deemed satisfactory for meeting general education requirements.*

*The bill would establish the California Student Access Pool, through which students could access online courses, and would require the online courses approved by the council under the bill to be placed in this pool. The bill would require that students taking online courses available in the pool and achieving a passing score on course examinations be awarded full academic credit for the comparable course at the University of California, the California State University, or the California Community Colleges. Because this provision would require community colleges to award academic credit under these circumstances, it would constitute a state-mandated local program.*

*(2) Existing law, until January 1, 2014, establishes the California Virtual Campus to facilitate ongoing collaboration and joint efforts relating to the use of technology resources and high-speed Internet connectivity to support teaching, learning, workforce development, and research. Existing law, until January 1, 2014, authorizes the California Virtual Campus grant recipient to convene at least 4 leadership stakeholder group meetings annually comprised of representatives from the State Department of Education, the California Technology Assistance Project, and other related programs administered through the department, including adult education, local education agencies, the California Community Colleges, the California State University,*

the University of California, independent colleges and universities, the California State Library, and representatives from community-based organizations to ensure the efforts affecting segments represented are appropriately meeting the needs of those segments.

This bill would extend the provisions establishing the California Virtual Campus until January 1, 2017. This bill would require the representatives in the stakeholder group meetings from the California Community Colleges, the California State University, and the University of California to include, but not be limited to, faculty members from these institutions. This bill would make additional nonsubstantive changes in these provisions. By requiring faculty members from community college districts to attend these meetings, this bill would impose a state-mandated local program.

~~The~~

(3) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares all of the*  
2     *following:*  
3     *(a) In recent years, California's public higher education*  
4     *institutions have faced skyrocketing demand for enrollment at a*  
5     *time when they lack capacity to provide students with access to*  
6     *courses necessary for program completion and success.*  
7     *(b) In the 2012–13 academic year, 85 percent of California*  
8     *Community Colleges (CCC) reported having waiting lists for their*  
9     *fall 2012 course sections, with a statewide average of more than*  
10    *7,000 students on waiting lists per college.*  
11    *(c) Similarly, impacted courses have contributed significantly*  
12    *to difficulties within the University of California (UC) and*  
13    *California State University (CSU) systems, with figures indicating*  
14    *that only 60 percent and 16 percent of students, respectively, are*

1 able to earn a degree within four years, with lack of access to key  
2 courses a factor in increased time-to-degree.

3 (d) With rapidly developing innovation in online course delivery  
4 models, California's public institutions of higher education have  
5 a unique opportunity to meet critical demands for enrollment and  
6 reduce time-to-degree by providing students with access to  
7 high-quality, alternative, online pathways to successfully complete  
8 and obtain credit for the most impacted lower division courses.

9 (e) California could significantly benefit from a statutorily  
10 enacted, quality-first, faculty-led framework allowing students in  
11 online courses in strategically selected lower division majors and  
12 general education fields to be awarded credit at the UC, CSU, and  
13 CCC systems. While providing easy access to these courses, these  
14 systems could also continually assess the value of the courses and  
15 the rates of student success in utilizing these alternative online  
16 pathways.

17 SEC. 2. Section 66409.3 is added to the Education Code, to  
18 read:

19 66409.3. (a) The California Online Student Access Platform  
20 is hereby established. The platform shall be administered by the  
21 California Open Education Resources Council established pursuant  
22 to Section 66409. As used in this section, "platform" means the  
23 California Online Student Access Platform established by this  
24 section.

25 (b) The platform shall accomplish all of the following objectives:

26 (1) Provide an efficient statewide mechanism for online course  
27 providers to offer transferable courses for credit.

28 (2) Create a pool of approved and transferable online courses  
29 for credit through which students seeking to enroll may easily  
30 access those courses and related content.

31 (3) Provide a faculty-led process that places the highest priority  
32 on educational quality through which online courses can be  
33 subjected to high-quality standards and review.

34 (4) Allow the state, the public, students, faculty, and other  
35 stakeholders to examine student success rates within the platform.

36 (c) For purposes of accomplishing all of the objectives of the  
37 platform as specified in subdivision (b), the California Open  
38 Education Resources Council shall do all of the following:

39 (1) (A) Develop a list of the 50 most impacted lower division  
40 courses at the University of California, the California State

1 University, and the California Community Colleges that are  
2 deemed necessary for program completion or fulfilling transfer  
3 requirements, or deemed satisfactory for meeting general education  
4 requirements.

5 (B) For purposes of this paragraph, “impacted lower division  
6 course” means a course in which, during most academic terms,  
7 the number of students seeking to enroll in the course exceeds the  
8 number spaces available in the course.

9 (2) Create and administer a standardized review and approval  
10 process for online courses in which most or all course instruction  
11 is delivered online and is open to any interested person. When  
12 reviewing online courses for purposes of this section, the council  
13 shall, at minimum, consider the extent to which each course does  
14 any of the following:

15 (A) Provides students with instructional support and related  
16 services to promote retention and success.

17 (B) Provides students with interaction with instructors and other  
18 students.

19 (C) Contains a proctored student assessment and examination  
20 process that ensures academic integrity and satisfactorily measures  
21 student learning.

22 (D) Provides a student with an opportunity to assess the extent  
23 to which he or she is suited for online learning prior to enrolling.

24 (E) Utilizes, as the primary course text or as a wholly acceptable  
25 alternative, content, where it exists, from the California Digital  
26 Open Source Library established pursuant to Section 66408.

27 (F) Includes adaptive learning technology systems or  
28 comparable technologies that can provide significant improvement  
29 in the learning of students.

30 (G) Includes content that has been reviewed and recommended  
31 by the American Council on Education.

32 (3) Regularly solicit and consider from each of the respective  
33 statewide student associations of the University of California, the  
34 California State University, and the California Community  
35 Colleges, advice and guidance on implementation of the platform.

36 (4) Collect, review, and make public data and other information  
37 related to student success within the platform by gathering and  
38 reporting data on accepted student success metrics, including, but  
39 not necessarily limited to, student enrollment in approved online

1 *courses through the platform, and student retention and completion*  
2 *rates.*

3 *(5) Utilize the state's current common course numbering system*  
4 *for approved courses so as to simplify the identification and*  
5 *articulation of comparable courses.*

6 *(d) Online courses approved by the California Open Education*  
7 *Resources Council pursuant to this section shall be placed in the*  
8 *California Student Access Course Pool, which is hereby created,*  
9 *through which students may access the courses. Students taking*  
10 *an online course available in the California Student Access Course*  
11 *Pool and achieving a passing score on the course examination*  
12 *shall be awarded full academic credit for the comparable course*  
13 *at the University of California, the California State University, or*  
14 *the California Community Colleges.*

15 **SECTION 1.**

16 **SEC. 3.** Section 78910.10 of the Education Code is amended  
17 to read:

18 78910.10. (a) (1) The California Virtual Campus, pursuant  
19 to funding provided to the Board of Governors of the California  
20 Community Colleges for this purpose in the annual Budget Act,  
21 may pursue all of the following purposes, to the extent funding is  
22 available:

23 (A) To enrich formal and informal educational experiences and  
24 improve students' academic performance by supporting the  
25 development of highly engaging, research-based innovations in  
26 teaching and learning in K–12 public schools and the California  
27 Community Colleges, the California State University, and the  
28 University of California.

29 (B) To enhance the awareness of, and access to, highly engaging  
30 online courses of study, emphasizing courses of study that support  
31 a diverse and highly skilled science, technology, engineering, and  
32 mathematics workforce.

33 (C) To support education research, the implementation of  
34 research-based practices, and promote economic development  
35 through the use of next generation advanced network infrastructure,  
36 services, and network technologies that enable collaboration and  
37 resource sharing between formal and informal educators in K–12  
38 public schools, the California Community Colleges, the California  
39 State University, the University of California, independent colleges

1 and universities, public libraries, and community-based  
2 organizations at locations across the state.

3 (D) To increase access to next generation Internet services, 21st  
4 century workforce development programs, and e-government  
5 services for students and staff served or employed by education  
6 entities and students served primarily online through partnerships  
7 with public libraries and community-based organizations.

8 (E) To enhance access to health care education and training  
9 programs to current or future health care workers.

10 (F) To manage digital assets and develop contracts for services  
11 necessary to provide the technical and management support needed  
12 to maximize the benefits of the high-speed, high-bandwidth  
13 network infrastructure available to public higher education entities  
14 in California.

15 (G) Through the aggregation of demand for network enabled  
16 technologies and related services from public education entities,  
17 and through partnerships with the private sector, to provide  
18 education entities with access to technical support and staff who  
19 can facilitate statewide efforts that support innovations in teaching  
20 and learning that are necessary to provide for a well-educated  
21 citizenry, and economic and 21st century workforce development.

22 (2) To accomplish the purposes of paragraph (1), the California  
23 Virtual Campus may partner with local educational agencies, the  
24 State Department of Education, the 11 regional California  
25 Technology Assistance Projects, the California Community  
26 Colleges, the California State University, the University of  
27 California, independent colleges and universities, public libraries,  
28 and community-based organizations to facilitate ongoing  
29 collaboration and joint efforts relating to the use of technology  
30 resources and high-speed Internet connectivity to support teaching,  
31 learning, workforce development, and research.

32 (3) Efforts conducted as a result of this chapter shall not prohibit  
33 or otherwise exclude the ability of existing or new educational  
34 technology programs from being developed, expanded, or  
35 enhanced.

36 (b) For purposes of this article, the following terms have the  
37 following meanings:

38 (1) “Online courses of study” means any of the following:

39 (A) Online teaching, learning, and research resources, including,  
40 but not necessarily limited to, books, course materials, video

1 materials, interactive lessons, tests, or software, the copyrights of  
2 which have expired, or have been released with an intellectual  
3 property license that permits their free use or repurposing by others  
4 without the permission of the original authors or creators of the  
5 learning materials or resources.

6 (B) Professional development opportunities for formal and  
7 informal educators who desire to use the resources in subparagraph  
8 (A).

9 (C) Online instruction.

10 (2) “Online instruction” means technology enabled online real  
11 time (synchronous) interaction between the instructor and the  
12 student, near time (asynchronous) interaction between the instructor  
13 and the student, or any combination thereof.

14 (c) The California Virtual Campus grant recipient may  
15 accomplish all of the following:

16 (1) Convene at least four leadership stakeholder group meetings  
17 annually composed of representatives from the State Department  
18 of Education, the California Technology Assistance Project, and  
19 other related programs administered through the department,  
20 including adult education, local education agencies, the California  
21 Community Colleges, the California State University, the  
22 University of California, independent colleges and universities,  
23 the California State Library, and representatives from  
24 community-based organizations to ensure the efforts affecting  
25 segments represented are appropriately meeting the needs of those  
26 segments. The leadership stakeholder group shall also coordinate  
27 and obtain assistance with the implementation of efforts delineated  
28 in this article, to identify and maintain an up-to-date list of the  
29 technology resources and tools that are necessary to support  
30 innovation in teaching and learning, and to identify opportunities  
31 for leveraging resources and expertise for meeting those needs in  
32 an efficient and cost-effective manner. For purposes of this  
33 paragraph, the representatives from the California Community  
34 Colleges, the California State University, and the University of  
35 California shall include, but not be limited to, faculty members  
36 from these institutions.

37 (2) Lead efforts to make online courses of study available across  
38 the state that include, but are not limited to, the following:

39 (A) Developing online courses of study that are pedagogically  
40 sound and fully accessible, in compliance with the federal

1 Americans with Disabilities Act (Public Law 101-336), by students  
2 with varying learning styles and disabilities.

3 (i) The development of K–12 online courses pursuant to this  
4 subparagraph shall be achieved in partnership with local education  
5 agencies and the California Technology Assistance Project.

6 (ii) Online courses developed for grades K–12 pursuant to this  
7 subparagraph shall be aligned to the California academic content  
8 standards and guidelines for online courses.

9 (B) Overseeing the development of at least 12 model online  
10 courses of study that, collectively, would allow students to meet  
11 the requirements of the Intersegmental General Education Transfer  
12 Curriculum (IGETC) and at least two courses that support basic  
13 skills education courses in English, English as a second language,  
14 or mathematics.

15 (C) Encouraging the entities listed in paragraph (1) to do both  
16 of the following:

17 (i) Make accessible to each other their courses of study that are  
18 funded by the state.

19 (ii) Allow their courses of study to be accessible to the general  
20 public if they determine access would not inhibit their ability to  
21 provide appropriate protection of the state’s intellectual property  
22 rights.

23 (3) Ensure that the learning objects created as part of the  
24 California Virtual Campus online courses of study with state  
25 General Fund revenues are linked to digital content libraries that  
26 include information about course content freely available to  
27 California educators and students.

28 (4) Develop formal partnership agreements between the entities  
29 listed in paragraph (1) and the California Virtual Campus, including  
30 course articulation agreements that allow qualified high school  
31 students to accelerate the completion of requirements for a high  
32 school diploma and a two-year or four-year degree and agreements  
33 that provide opportunities for part-time faculty teaching online to  
34 obtain full-time employment teaching online.

35 (5) Develop formal partnership agreements with the entities  
36 listed in paragraph (1) and others to enhance access to professional  
37 development courses that introduce faculty, teachers, staff, and  
38 college course developers to the conceptual development, creation,  
39 and production methodologies that underlie the development of  
40 online courses of study and support students’ successful completion

1 of those courses. The professional development opportunities may  
2 include, but not necessarily be limited to, all of the following:

3 (A) Addressing issues relating to copyright, permission for the  
4 use or reuse of material, use of resources in the public domain,  
5 and other intellectual property concepts.

6 (B) Accessibility for students with disabilities.

7 (C) Factors to ensure that content is culturally relevant to a  
8 diverse student body.

9 (D) Delivery options that incorporate multiple learning styles  
10 and strategies.

11 (6) Develop formal partnership agreements with entities,  
12 including, but not limited to, those listed in paragraph (1), to ensure  
13 access to online professional learning communities that incorporate  
14 the use of Internet-based collaboration tools and to support joint  
15 discussions between K–12 educators, higher education faculty and  
16 staff, and others to examine student performance data, student  
17 learning objectives, curriculum, and other issues that relate to  
18 students' academic success and preparation for the workforce.

19 (7) In partnership with entities, including those listed in  
20 paragraph (1), develop an e-portfolio system that allows  
21 participating students to demonstrate their attainment of academic  
22 learning objectives, skills and knowledge that relate to their career  
23 interests, and completion of prerequisites for participation in  
24 courses or training programs. The e-portfolio system may do all  
25 of the following:

26 (A) Ensure that student privacy is protected in accordance with  
27 existing law.

28 (B) Comply with accessibility laws for students with disabilities.

29 (C) Be designed in a manner that supports the use of e-portfolio  
30 content in the accreditation requirements of schools, colleges, and  
31 universities.

32 (8) In partnership with entities, including those listed in  
33 paragraph (1), identify opportunities to enhance students' access  
34 to medical education and medical services through the use of  
35 high-speed Internet connections to the campuses, and opportunities  
36 for education programs and services to support the telehealth efforts  
37 taking place within the state.

38 (d) The lead agency for the California Virtual Campus, in  
39 consultation with the leadership stakeholder group described in  
40 paragraph (1) of subdivision (c) if that group is convened by the

1 California Virtual Campus grant recipient, shall contract with an  
2 independent third party with expertise in online teaching, learning,  
3 and the development of online courses of study, as approved by  
4 the board, to evaluate the California Virtual Campus. The  
5 evaluation shall include, but not be limited to, an assessment of  
6 the number of faculty, teachers, consortia, informal educators, and  
7 students that use the online courses of study, the quality of students'  
8 experiences, student grades earned, and the cost of the online  
9 course content, comparing the online course content with traditional  
10 textbooks. The board may require additional information that it  
11 determines to be necessary to evaluate the effectiveness and  
12 viability of the California Virtual Campus. This evaluation shall  
13 be submitted to the Legislature no later than three years after the  
14 enactment of this act.

15 ~~SEC. 2.~~

16 *SEC. 4.* Section 78910.30 of the Education Code is amended  
17 to read:

18 78910.30. This article shall remain in effect until January 1,  
19 2017, and as of that date is repealed, unless a later enacted statute,  
20 that is enacted before January 1, 2017, deletes or extends that date.

21 ~~SEC. 3.~~

22 *SEC. 5.* If the Commission on State Mandates determines that  
23 this act contains costs mandated by the state, reimbursement to  
24 local agencies and school districts for those costs shall be made  
25 pursuant to Part 7 (commencing with Section 17500) of Division  
26 4 of Title 2 of the Government Code.